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Sir:

Transmitted herewith for filing is the reissue patent application of U.S. Patent 5,732,711 by:

MAR 30 2000

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For: BODY FUNCTION MEASURING APPARATUS

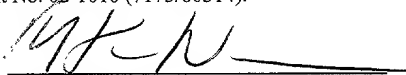
Enclosed are:

The Specification, including claims and abstract (13 pages);  
3 sheets of 3 formal drawing(s);  
Executed Statement under 37 CFR 3.73(b);  
Executed Offer to Surrender Original Patent under 37 CFR 1.178;  
Unexecuted Declaration by Inventors;  
Request for Title Report.

The filing fee has been calculated as shown below:

For	No. Filed		No. Extra	Small/Large Entity	Total
Basic Fee:				+\$345/690=	\$690.00
Total Claims:	34	- 20 =	14	x \$9/18 =	\$252.00
Independent Claims:	6	- 3 =	3	x \$39/78 =	\$234.00
Multiple Dep. Claim Presented:	0			+\$130/260	\$ 0.00
<b>TOTAL FEES:</b>					<b>\$1,176.00</b>

A check for the filing fee in the amount of \$1,176.00 is enclosed. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account No. 02-1010 (7175/60314).

  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

SPECIFICATION

**INVENTION:** BODY FUNCTION MEASURING APPARATUS

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## BODY FUNCTION MEASURING APPARATUS

### TECHNICAL FIELD

The present invention relates, in general, to the measurement of body functions with sensors in contact with the skin of a human being and, in particular, to a unit which, in addition to measuring a body function, provides an indication when the sensor in contact with the skin becomes dislodged from the skin. Although the present invention will be described in connection with skin temperature measurement, it will be apparent that the present invention has broader application.

### BACKGROUND OF THE INVENTION

Many probes are in use today to measure or monitor a function of the body with which the probe is in contact or to control or influence a body state or condition. For example, a signal representative of the skin temperature of an infant in an incubator can be used to display the of the infant and can be used to control the incubator heater to regulate the thermal environment of the incubator. In such an application, it is important that intimate contact between the skin and the probe contact surface which carries the temperature sensor be established and maintained. Should the probe become dislodged, resulting in a total or partial loss of contact, the temperature indication will be incorrect and the control of the incubator heater will be other than what is desired, quite possibly leading to dangerous consequences.

temperature

Many loose probe indicators have been suggested or put into actual use. Some are based on using the signals representative of the body function being measured to detect a loose probe condition. Others are based on directly measuring some characteristic of the contact, such as impedance, which changes as the contact changes. Yet others incorporate in the probe special sensors, for example optical sensors, which detect changes in the position of the probe relative to the skin. Generally, the operation and reliability of the prior art loose probe indicators have not been sufficiently satisfactory.

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#### SUMMARY OF THE INVENTION

Body function measuring apparatus, constructed in accordance with the present invention, includes a housing and first and second identical sensors spaced apart in the housing and adapted for contact with generally the same area of skin for developing first and second body function signals, respectively. This skin temperature measuring apparatus also includes means responsive to the first body function signal and the second body function signal for developing an indication of the body function at the skin with which the first sensor and the second sensor are in contact and detecting a difference between the rate of change of the first body function signal and the rate of change of the second body function signal which exceeds a predetermined threshold representing a difference in the proximity of the first sensor to the skin and the proximity of the second sensor to the skin.

#### BRIEF DESCRIPTION OF THE DRAWINGS

FIG. 1 is a bottom view of the sensor portion of body function measuring apparatus constructed in accordance with the present invention.

FIG. 2 is a functional block diagram of the signal processing portion of body function measuring apparatus constructed in accordance with the present invention.

FIG. 3 is a circuit block diagram of the signal processing portion of body function measuring apparatus constructed in accordance with the present invention.

## DETAILED DESCRIPTION OF THE INVENTION

Referring to FIG. 1, body function measuring apparatus, constructed in accordance with the present invention, includes a housing 10 and first and second identical sensors 12 and 14 spaced apart in the housing and adapted for contact with generally the same area of skin for developing first and second body function signals, respectively. When the body function measuring apparatus of the present invention is adapted for measuring body temperature, first and second identical sensors 12 and 14 are identical thermistors. The first and second signals developed by sensors 12 and 14, respectively, are conducted by wires 15 and 16 to a connector 17 which is adapted for connection to a unit for displaying a reading of the body function being measured or to control apparatus for controlling the environment of an incubator or both. From this point on, the present invention will be described as applied for skin temperature measurements, although, as indicated above, the present invention has broader application.

Preferably, first thermistor 12 and second thermistor 14 are mounted on a flexible substrate 18 which has first and second lands 18a and 18b on which first thermistor 12 and second thermistor 14, respectively, are mounted. A neck 18c extends between first land 18a and second land 18b and has a width narrower than the width of the first land and the second land.

The flexibility of substrate 18 and its configuration, namely the arrangement of neck 18c extending between first land 18a and second land 18b, enhances the freedom of movement away from the skin of one or the other of thermistors 12 and 14 when the particular thermistor is in partial, rather than full, contact with the skin. A condition of partial contact with the skin of either of the thermistors is likely to lead to incorrect temperature indications. By improving the chances of a partially loose thermistor to move further away from the skin, the relative proximities of the thermistors to the skin will lead to a quicker and more accurate indication of a loose probe condition.

Skin temperature measuring apparatus, constructed in accordance with the present invention, also includes means responsive to the first temperature signal developed by thermistor 12 and the second temperature signal developed by thermistor 14 for developing an indication of the temperature of the skin with which the first thermistor and the second thermistor are in contact and detecting a difference between the rate of change of the first temperature signal and the rate of change of the second temperature signal which exceeds a predetermined threshold representing a difference in the proximity of first thermistor 12 to the skin and the proximity of second thermistor 14 to the skin. Referring to FIG. 2, which is a functional block diagram of the signal processing portion of skin temperature measuring apparatus constructed in accordance with the present invention, the first temperature signal  $T_1$  is representative of the temperature of the skin with which the first thermistor 12 and the second thermistor 14 are in contact and is provided as one output.

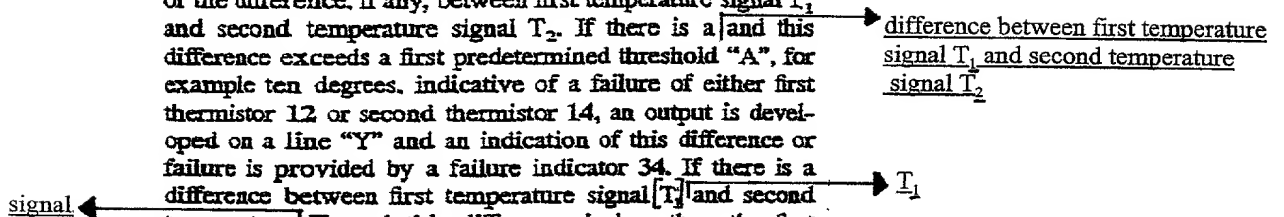
Second temperature signal  $T_2$  is inverted by an inverter 20. The first temperature signal  $T_1$  and the inverted second temperature signal  $T_2$  are differentiated by differentiating circuits 22 and 24, respectively, to develop signals representative of the rate of change of the first temperature signal and the rate of change of the second temperature signal, respectively. The differentiated first temperature signal and the differentiated second temperature signal are combined in

a summing circuit 26 to develop, as a second output, a signal representative of the difference between the rate of change of the first temperature signal and the rate of change of the second temperature signal which, if exceeding a predetermined threshold, represents a difference in the proximity of first thermistor 12 to the skin and the proximity of second thermistor 14 to the skin.

Skin temperature measuring apparatus, constructed in accordance with the present invention, preferably also includes means responsive to first temperature signal  $T_1$  and second temperature signal  $T_2$  for detecting a difference between the first temperature signal and the second temperature signal which exceeds a predetermined threshold representing a failure of one of first thermistor 12 and second thermistor 14. As shown in FIG. 2, the inverted second temperature signal  $T_2$  is combined with the first temperature signal  $T_1$  in a summing circuit 28 to develop, as a third output, a signal representative of the difference between first temperature signal  $T_1$  and second temperature signal  $T_2$ .

The functions described in connection with FIG. 2 can be implemented by either hardware or software, each of which are represented by the circuit block diagram of FIG. 3. First temperature signal  $T_1$ , developed by first thermistor 12, is supplied to a temperature indicator/controller 30 which provides a visual indication of the temperature of the skin with which thermistor 12 is in contact and also serves as a control of the temperature of the space within an incubator hood.

First temperature signal  $T_1$  and second temperature signal  $T_2$ , developed by second thermistor 14, are supplied to a differential circuit 32 which develops a signal representative of the difference, if any, between first temperature signal  $T_1$  and second temperature signal  $T_2$ . If there is a difference and this difference exceeds a first predetermined threshold "A", for example ten degrees, indicative of a failure of either first thermistor 12 or second thermistor 14, an output is developed on a line "Y" and an indication of this difference or failure is provided by a failure indicator 34. If there is a difference between first temperature signal  $T_1$  and second temperature  $T_2$  and this difference is less than the first predetermined threshold "A" but greater than a second predetermined threshold "B", an output is developed on a line "N" and the combination of a level sensing circuit 36 and a differentiating circuit 38 develop a signal representative of the difference between the rate of change of the first temperature signal  $T_1$  and the rate of change of the second temperature signal  $T_2$  which, if exceeding a predetermined third threshold "C", represents a difference in the proximity of first thermistor 12 to the skin and the proximity of second thermistor 14 to the skin, namely a loose probe condition. The loose probe condition is indicated by a loose probe indicator 40.



It should be noted that, although a loose probe condition produces a difference between in the first temperature signal  $T_1$  and the second temperature signal  $T_2$ , determining the difference between the rate of change of the first temperature signal  $T_1$  and the rate of change of the second temperature signal  $T_2$  provides a more reliable indication of a loose probe condition. Certain effects, such as thermistors and other sensors wearing over time, produce a difference between the first temperature signal  $T_1$  and the second temperature signal  $T_2$ , so that a difference between the first temperature signal  $T_1$  and the second temperature signal  $T_2$  is not necessarily due to partial or complete probe dislodgement. Such effects, however, would not produce an appreciable, if any, difference between the rate of change of the first temperature signal  $T_1$  and the rate of change of the second temperature signal  $T_2$ . In contrast, the difference between the first temperature signal  $T_1$  and the second temperature signal  $T_2$ , with a threshold for this difference set sufficiently high, is useful for identifying a failure of of the thermistors which would cause a significant difference between the first temperature signal  $T_1$  and the second temperature signal  $T_2$ .

While there have been described preferred embodiments of the present invention, it should be obvious to those skilled in the art that various modifications and changes can be made without departing from the true spirit and scope of the invention.

What is claimed:

1. Skin temperature measuring apparatus comprising:

a housing;

first and second [identical thermistors] temperature sensors spaced apart in said housing but in proximity to each other and adapted for contact with generally the same area of skin for developing first and second temperature signals, respectively; and

means responsive to said first temperature signal and said second temperature signal for:

(a) developing an indication of the temperature at the skin with which said first [thermistor] and said second temperature sensors [thermistor] are in contact. and

(b) detecting a difference between the rate of change of said first temperature signal and the rate of change of said second temperature signal which exceeds a predetermined threshold representing a difference in the proximity of said first [thermistor] temperature sensor to the skin and the proximity of said second [thermistor] temperature sensor to the skin.

2. Skin temperature measuring apparatus according to claim 1 further including means responsive to said first temperature signal and second temperature signal for detecting a difference between said first temperature signal and said second temperature signal which exceeds a predetermined threshold representing a failure of one of said first [thermistor] and said second [thermistor] temperature sensors.

3. Skin temperature measuring apparatus according to claim 1 further including a flexible substrate on which said first [thermistor] and said second [thermistor] temperature sensors are mounted.

4. Skin temperature measuring apparatus according to claim 3 wherein said substrate has:

(a) first and second lands on which said first [thermistor] and said second [thermistor] temperature sensors, respectively, are mounted, and

(b) a neck extending between said first land and said second land and having a width narrower than the width of said first land and said second land.



5. Body function measuring apparatus comprising:

a housing;

first and second [identical] sensors spaced apart in said housing but in proximity to each other and adapted for contact with generally the same area of skin for developing first and second body function signals, respectively; and

means responsive to said first body function signal and said second body function signal for:

(a) developing an indication of the body function at the skin with which said first sensor and said second sensor are in contact, and

(b) detecting a difference between the rate of change of said first body function signal and the rate of change of said second body function signal which exceeds a predetermined threshold representing a difference in the proximity of said first sensor to the skin and the proximity of said second sensor to the skin.

6. Body function measuring apparatus according to claim 5 further including means responsive to said first body function signal and said second body function signal for detecting a difference between said first body function signal and said second body function signal which exceeds a predetermined threshold representing a failure of one of said first sensor and said second sensor.

7. Body function measuring apparatus according to claim 5 further including a flexible substrate on which said first sensor and said second sensor are mounted.

8. Body function measuring apparatus according to claim 7 wherein said substrate has:

(a) first and second lands on which said first sensor and said second sensor, respectively, are mounted, and

(b) a neck extending between said first land and said second land and having a width narrower than the width of said first land and said second land.



15. The skin temperature measuring apparatus of claim 9, wherein the second indicator produces an output when the rate of change of temperatures sensed by the at least first and second temperature sensors differ by a threshold amount.

16. The skin temperature apparatus of claim 14, wherein the housing is provided with a flexible substrate on which the at least first and second temperature sensors are mounted.

17. A method of producing a skin temperature comprising:  
placing a housing mounted with at least two spaced apart temperature sensors adjacent the same area of skin;

providing a first indicator connected to and displaying the temperature of at least one of the at least two sensors; and

providing a second indicator connected to both the at least first and second temperature sensor and producing an indication that the displayed temperature from the first indicator is in error.

18. The method of claim 17, wherein the second indicator indicates that one of the at least first and second temperature sensors is malfunctioning.

19. The method of claim 18, wherein a third indicator is provided that is connected to both the at least first and second temperature sensors and producing an indication that the at least first and second temperature sensors are not measuring the temperature of the skin at the same area.

20. The method of claim 17, wherein the second indicator indicates that the at least first and second temperature sensors are not measuring the temperature at the same skin area.

21. A body function measuring apparatus comprising  
a first sensor positioned to detect the body function and to provide a first signal in response to the body function.

a second sensor positioned to detect the body function and to provide a second signal in response to the body function,

an indicator, and

a circuit operatively coupled to the indicator, the first sensor, and the second sensor, the circuit being configured to activate the indicator in response to the rate of change of the first signal and the rate of change of the second signal.

22. The body function measuring apparatus of claim 21, wherein the circuit detects a difference between the rate of change of the first temperature signal and the rate of change of the second temperature signal.

23. The body function measuring apparatus of claim 22, wherein the circuit activates the indicator when the difference between the rate of change of the first temperature signal and the rate of change of the second temperature signal exceed a predetermined threshold.

24. The body function measuring apparatus of claim 21, further comprising a second indicator operatively coupled to the circuit.

25. The body function measuring apparatus of claim 24, wherein the circuit is configured to activate the second indicator when the difference between the first signal and the second signal exceeds a predetermined threshold.

26. The body function measuring apparatus of claim 24, wherein the second indicator is configured to display the status of the body function.

27. The body function measuring apparatus of claim 26, further comprising a third indicator operatively coupled to the circuit.

28. The body function measuring apparatus of claim 27, wherein the circuit is configured to activate the third indicator when the difference between the first signal and the second signal exceeds a predetermined threshold.

29. A body function measuring apparatus comprising  
a first sensor providing a first signal,  
a second sensor spaced apart from the first sensor, the second sensor being positioned to lie proximate the first sensor, the second sensor providing a second signal,  
a circuit coupled to the first and second sensors, the circuit comparing the rate of change of the first signal to the rate of change of the second signal, and  
an indicator operatively coupled to the circuit to indicate whether the difference between the rate of change of the first signal and the rate of change of the second signal exceeds a threshold.

30. The body function measuring apparatus of claim 29, further comprising a housing, the first sensor being received by the housing and the second sensor being received by the housing.

31. The body function measuring apparatus of claim 30, wherein the housing is formed to include a first land and a second land, the first sensor being carried by the first land and the second sensor being carried by the second land.

32. The body function measuring apparatus of claim 31, wherein the housing is flexible.

33. The body function measuring apparatus of claim 31, wherein the housing is formed to include a neck connecting the first land to the second land.

34. The body function measuring apparatus of claim 33, wherein the neck is flexible so that the first land can move relative to the second land.

# **ABSTRACT**

Body function measuring apparatus which provides: (1) an indication of the body function being measured, and (2) a loose probe condition by determining that the difference between the rate of change of a first body function signal, developed by a first sensor in the probe, and the rate of change of a second body function signal, developed by a second sensor in the probe, exceeds a predetermined threshold.

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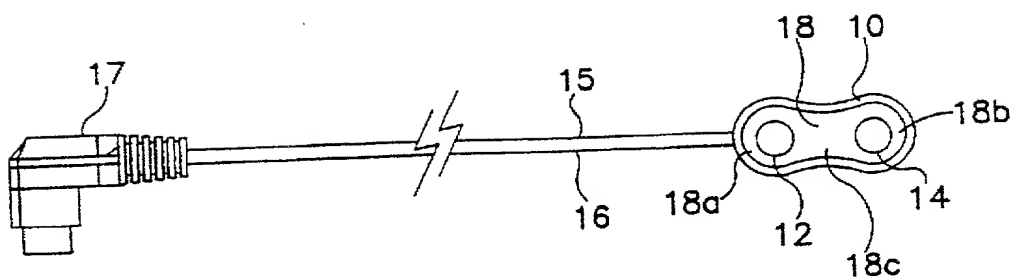


FIG. 1



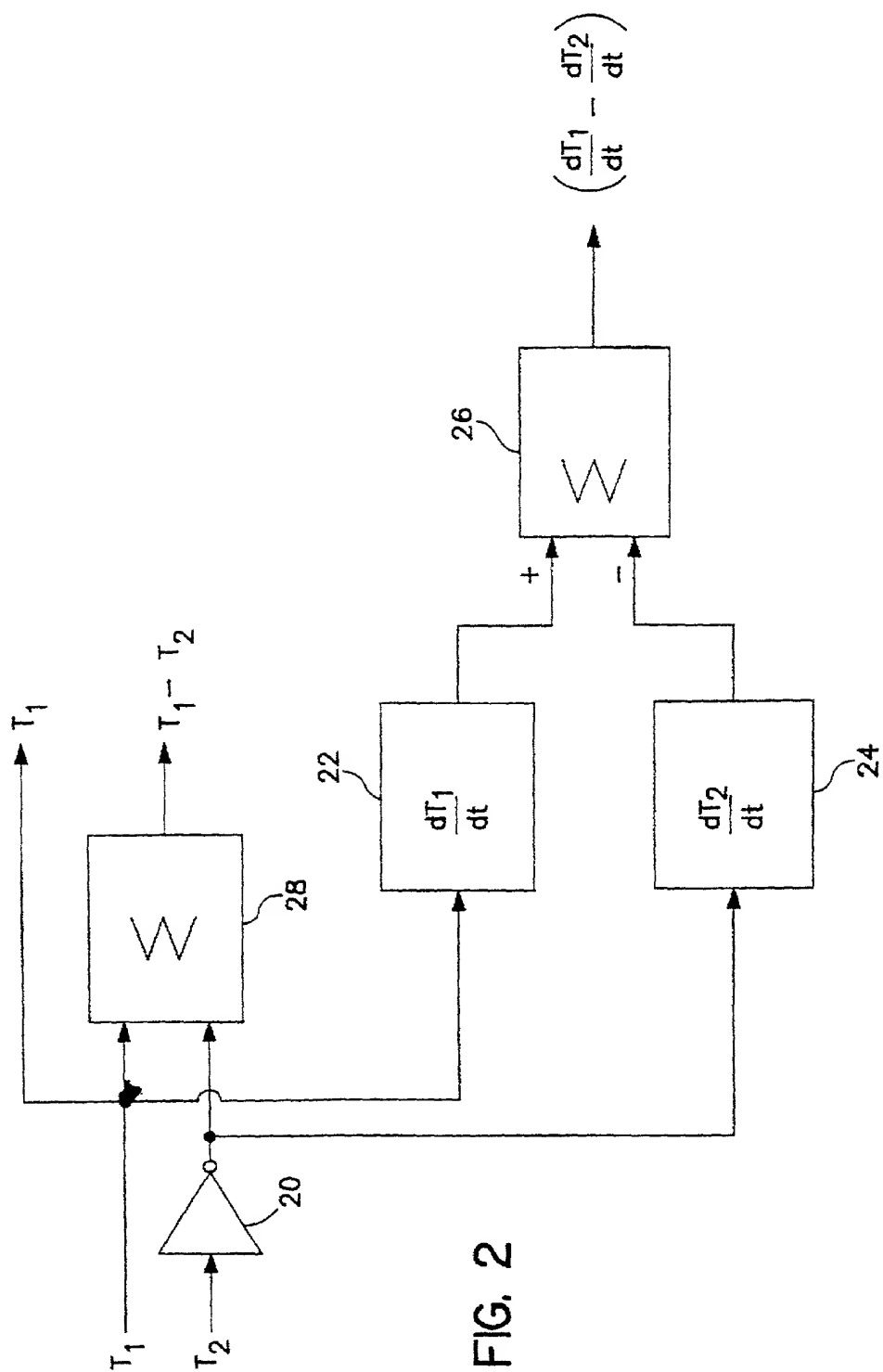


FIG. 2

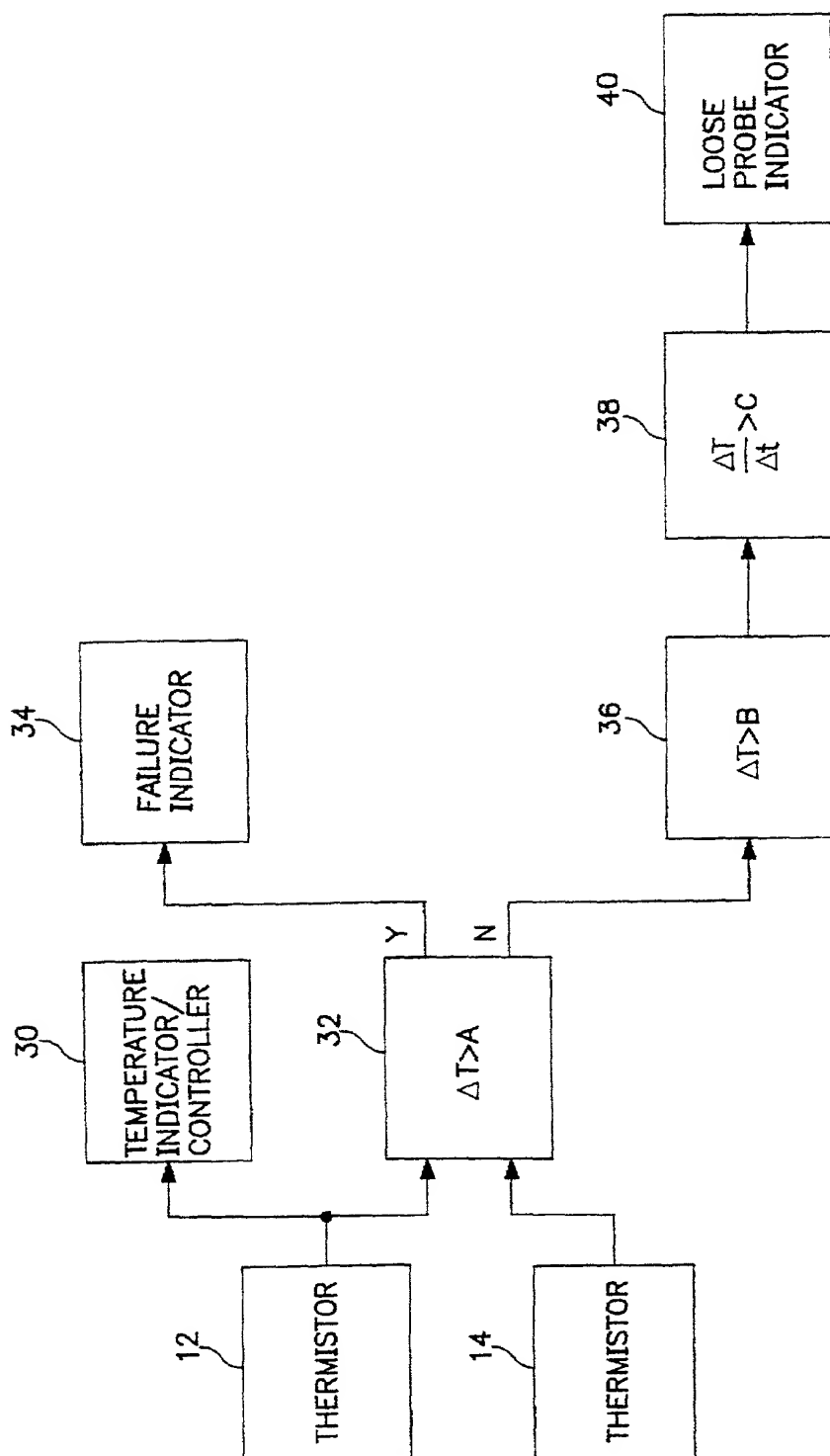


FIG. 3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Fitzpatrick et al.

Serial No.: unknown Art Unit: unknown

Filed: herewith Examiner: unknown

For: Reissue of U.S. Patent No. 5,732,711  
Issued March 31, 1998  
on U.S. Application Serial No. 703,794  
Filed August 27, 1996

DECLARATION BY INVENTORS

Assistant Commissioner  
for Patents  
Washington, D.C. 20231

Sir:

We, Joseph F. Fitzpatrick, Anthony C. Romano, John H. Richards, and Ronald S. Kolarovic declare that we are citizens of the United States of America; that we verily believe ourselves to be the original and first inventors of the invention described and claimed in U.S. Letters Patent No. 5,732,711 (hereinafter '711 PATENT) and in the foregoing specification and for which invention we solicit a reissue patent; that we do not know and do not believe that said invention was ever known or used in the United States of America before our invention thereof; and that we verily believe the '711 PATENT to be wholly or partly inoperative or invalid by reason of our claiming less than we had a right to claim in the '711 PATENT.

We request that we be permitted to amend the '711 PATENT and be granted a reissue patent; that errors rendering the '711 PATENT wholly or partly inoperative or invalid caused the claims of such patent to be of more narrow scope than necessary to distinguish over the prior art; and that such errors arose without any deceptive intent.

Specifically, we at least claimed less than we had a right to claim in the '711 PATENT by included in said patent claim 1 a specific type of temperature sensor.

We have reviewed and understand the contents of the specification as amended herein, including amended original patent claims 1-8, as well as new claims 9-34.

We acknowledge our duty to disclose information of which we are aware which is material to patentability as defined in Title 37, Code of Federal Regulations §1.56; and we

	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	2101	2102	2103	2104	2105	2106	2107	2108	2109	2110	2111	2112	2113	2114	2115	2116	2117	2118	2119	2120	2121	2122	2123	2124	2125	2126	2127	2128	2129	2130	2131	2132	2133	2134	2135	2136	2137	2138	2139	2140	2141	2142	2143	2144	2145	2146	2147	2148	2149	2150	2151	2152	2153	2154	2155	2156	2157	2158	2159	2160	2161	2162	2163	2164	2165	2166	2167	2168	2169	2170	2171	2172	2173	2174	2175	2176	2177	2178	2179	2180	2181	2182	2183	2184	2185	2186	2187	2188	2189	2190	2191	2192	2193	2194	2195	2196	2197	2198	2199	2200	2201	2202	2203	2204	2205	2206	2207	2208	2209	2210	2211	2212	2213	2214	2215	2216	2217	2218	2219	2220	2221	2222	2223	2224	2225	2226	2227	2228	2229	2230	2231	2232	2233	2234	2235	2236	2237	2238	2239	2240	2241	2242	2243	2244	2245	2246	2247	2248	2249	2250	2251	2252	2253	2254	2255	2256	2257	2258	2259	2260	2261	2262	2263	2264	2265	2266	2267	2268	2269	2270	2271	2272	2273	2274	2275	2276	2277	2278	2279	2280	2281	2282	2283	2284	2285	2286	2287	2288	2289	2290	2291	2292	2293	2294	2295	2296	2297	2298	2299	2300	2301	2302	2303	2304	2305	2306	2307	2308	2309	2310	2311	2312	2313	2314	2315	2316	2317	2318	2319	2320	2321	2322	2323	2324	2325	2326	2327	2328	2329	2330	2331	2332	2333	2334	2335	2336	2337	2338	2339	2340	2341	2342	2343	2344	2345	2346	2347	2348	2349	2350	2351	2352	2353	2354	2355	2356	2357	2358	2359	2360	2361	2362	2363	2364	2365	2366	2367	2368	2369	2370	2371	2372	2373	2374	2375	2376	2377	2378	2379	2380	2381	2382	2383	2384	2385	2386	2387	2388	2389	2390	2391	2392	2393	2394	2395	2396	2397	2398	2399	2400	2401	2402	2403	2404	2405	2406	2407	2408	2409	2410	2411	2412	2413	2414	2415	2416	2417	2418	2419	2420	2421	2422	2423	2424	2425	2426	2427	2428	2429	2430	2431	2432	2433	2434	2435	2436	2437	2438	2439	2440	2441	2442	2
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*Joseph F. Fitzpatrick*  
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**Anthony C. Romano**  
110 Canterbury Lane  
Lansdale, Pennsylvania 19446

Date \_\_\_\_\_

**John H. Richards**

2032 Grey Horse Drive

Warrington, Pennsylvania 18976

Date \_\_\_\_\_

**Ronald S. Kolarovic**

1301 Morgan Avenue

Cinnaminson, New Jersey 08077

[illegible]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Fitzpatrick et al.

Serial No.: unknown Art Unit: unknown

Filed: herewith Examiner: unknown

For: Reissue of U.S. Patent No. 5,732,711  
Issued March 31, 1998  
on U.S. Application Serial No. 703,794  
Filed August 27, 1996

DECLARATION BY INVENTORS

Assistant Commissioner  
for Patents  
Washington, D.C. 20231

Sir:

We, Joseph F. Fitzpatrick, Anthony C. Romano, John H. Richards, and Ronald S. Kolarovic declare that we are citizens of the United States of America; that we verily believe ourselves to be the original and first inventors of the invention described and claimed in U.S. Letters Patent No. 5,732,711 (hereinafter '711 PATENT) and in the foregoing specification and for which invention we solicit a reissue patent; that we do not know and do not believe that said invention was ever known or used in the United States of America before our invention thereof; and that we verily believe the '711 PATENT to be wholly or partly inoperative or invalid by reason of our claiming less than we had a right to claim in the '711 PATENT.

We request that we be permitted to amend the '711 PATENT and be granted a reissue patent; that errors rendering the '711 PATENT wholly or partly inoperative or invalid caused the claims of such patent to be of more narrow scope than necessary to distinguish over the prior art; and that such errors arose without any deceptive intent.

Specifically, we at least claimed less than we had a right to claim in the '711 PATENT by included in said patent claim 1 a specific type of temperature sensor.

We have reviewed and understand the contents of the specification as amended herein, including amended original patent claims 1-8, as well as new claims 9-34.

We acknowledge our duty to disclose information of which we are aware which is material to patentability as defined in Title 37, Code of Federal Regulations §1.56; and we

further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application for reissue or any patent issuing thereon.

We hereby appoint William R. Coffey, Reg. No. 24023; Jerry E. Hyland, Reg. No. 20904; Richard D. Conard, Reg. No. 27321; Steven R. Lammert, Reg. No. 27653; Richard A. Rezek, Reg. No. 30796; Timothy E. Niednagel, Reg. No. 33266; John P. Breen, Reg. No. 38833; Jill L. Woodburn, Reg. No. 39874; Nancy J. Harrison, Reg. No. 27083; R. Trevor Carter, Reg. No. 40549; Dilip A. Kulkarni, Reg. No. 27510; Perry Palan, Reg. No. 26213; Mark M. Newman, Reg. No. 31472; Bobby B. Gillenwater, Reg. No. 31105; Paul B. Hunt, Reg. No. 37154; Michael S. Gzybowski, Reg. No. 32816; and Robert D. Null, Reg. No. 40746, our attorneys, with full power of substitution and revocation, to prosecute this application, and to transact all business in the Patent and Trademark Office connected therewith; and we specify that communications regarding this application to reissue be directed to:

Richard D. Conard  
BARNES & THORNBURG  
1313 Merchants Bank Building  
11 S. Meridian Street  
Indianapolis, Indiana 46204

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Date

10/17/00  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Joseph F. Fitzpatrick  
694 Spruce Road  
Warminster, Pennsylvania 18974


  
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Anthony C. Romano  
110 Canterbury Lane  
Lansdale, Pennsylvania 19446

Figure 1. The effect of the concentration of the *Agrobacterium* suspension on the transformation efficiency of *Agrobacterium* strains. The *Agrobacterium* strains were grown in the YEA medium at 28°C for 24 h. The cell concentration of the strains was adjusted to 1.0 × 10<sup>8</sup> cells/ml. The cell suspension was mixed with the plant tissue and the transformation efficiency was determined. The results were expressed as the mean ± SD of three independent experiments. The asterisks indicate the significant difference between the strains at the same concentration of the cell suspension.





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Fitzpatrick et al.  
Serial No.: unknown Art Unit: unknown  
Filed: herewith Examiner: unknown  
For: Reissue of U.S. Patent No. 5,732,711  
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We request that we be permitted to amend the '711 PATENT and be granted a reissue patent; that errors rendering the '711 PATENT wholly or partly inoperative or invalid caused the claims of such patent to be of more narrow scope than necessary to distinguish over the prior art; and that such errors arose without any deceptive intent.

Specifically, we at least claimed less than we had a right to claim in the '711 PATENT by included in said patent claim 1 a specific type of temperature sensor.

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**SECRET**



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25 Sep 00

Ed. J. Turner

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